

## **Assembly Bill No. 1462**

### **CHAPTER 65**

An act to add Section 11402.6 to the Welfare and Institutions Code, relating to foster care.

[Approved by Governor July 12, 2007. Filed with  
Secretary of State July 12, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1462, Adams. Child care institutions.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including group homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with money from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Existing law designates the various placements which may be made for a child eligible for AFDC-FC benefits, including a licensed group home. Existing law defines a group home for purposes of the AFDC-FC program as a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision.

Existing law requires foster care providers licensed as group homes to have rates established by the State Department of Social Services only if the group home is organized and operated on a nonprofit basis, except as specified.

This bill would, if federal financial participation is available, require the payment of AFDC-FC benefits for certain children with developmental disabilities, who have special behavioral or medical needs, who are placed in a for-profit child care institution, as defined, and for whom the county placing agency demonstrates that there are no alternative placement options.

This bill would require the county placing agency to review and report to the juvenile court at the 6-month case plan update regarding the continuing appropriateness of a child's placement under the bill. The bill would be effective only during a federal fiscal year for which the department determines that no restriction on federal matching AFDC-FC payment exists. The bill would specify the conditions under which federal financial participation would be provided to children eligible under the bill.

Because it would increase the duties of counties administering the AFDC-FC program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11402.6 is added to the Welfare and Institutions Code, to read:

11402.6. (a) The federal government has provided the state with the option of including in its state plan children placed in a private facility operated on a for-profit basis.

(b) For children for whom the county placing agency has exhausted all other placement options, notwithstanding subdivision (h) of Section 11400 and subject to Section 15200.5, a child who is otherwise eligible for federal financial participation in the AFDC-FC payment shall be eligible for aid under this chapter when the child is placed in a for-profit child care institution and meets all of the following criteria, which shall be clearly documented in the county welfare department case file:

(1) The child has extraordinary and unusual special behavioral or medical needs that make the child difficult to place, including, but not limited to, being medically fragile, brittle diabetic, having severe head injuries, a dual diagnosis of mental illness and substance abuse or a dual diagnosis of developmental delay and mental illness.

(2) No other comparable private nonprofit facility or public licensed residential care home exists in the state that is willing to accept placement and is capable of meeting the child's extraordinary special needs.

(3) The county placing agency has demonstrated that no other alternate placement option exists for the child.

(4) The child has a developmental disability and is eligible for both federal AFDC-FC payments and for regional center services.

(c) Federal financial participation shall be provided pursuant to Section 11402 for children described in subdivision (a) subject to all of the following conditions, which shall be clearly documented in the county welfare department case file.

(1) The county placing agency enters into a performance based placement agreement with the for-profit facility to ensure the facility is providing services to improve the safety, permanency, and well-being outcomes of the placed children pursuant to Section 10601.2.

(2) The county placing agency will require the facility to ensure placement in the child's community to the degree possible to enhance ongoing connections with the child's family and to promote the establishment of lifelong connections with committed adults.

(3) The county placing agency monitors and reviews the facility's outcome performance indicators every six months.

(4) In no event shall federal financial participation in this placement exceed a 12-month period.

(5) Payments made under this section shall not be made on behalf of any more than five children in a county at any one time.

(6) Payments made under this section shall be made pursuant to Sections 4684 and 11464, and only to a group home that is an approved vendor of a regional center.

(d) This section shall be implemented only during a federal fiscal year in which the department determines that no restriction on federal matching AFDC-FC payment exists.

(e) As used in this section, “child care institution” means a nondetention facility that has been licensed in accordance with the California Community Care Facilities Act, Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, and that has a licensed capacity not exceeding 25 children.

(f) The county placing agency shall review and report to the juvenile court at every six-month case plan update if this placement remains appropriate and necessary and what the plan is for discharge to a less restrictive placement.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.